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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,574	01/18/2001	Vincent P. Annunziata	03169- P0004B GSW/JBW	6862

7590 10/30/2008  
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EXAMINER
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WEISBERGER, RICHARD C

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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10/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/764,574	<b>Applicant(s)</b> ANNUNZIATA, VINCENT P.	
	<b>Examiner</b> Richard C. Weisberger	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 44-49, 56 and 57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 44-49 and 56-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2,4,9-11,56 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by May  
USP 6317727.

The reference teaches a method and computer network to permit the following:

establishing a communications link between the computer and the Internet;  
providing a database, accessible by the computer, containing a plurality of user files wherein each of the plurality of user files corresponds to a specified user of the system and further containing levels of permission to access and/or trade [exchange permissions] corresponding to a plurality of exchanges to which the specified user may access;

providing a database, accessible by the computer, containing a plurality of offers and bids [indications] wherein each of the plurality of open offers and bids [indications] contains information corresponding to open bids or offers for commodities and the open offers and bids [indications] are organized according to the commodities to which they correspond;

providing at least one computer site [computerized exchange] for transacting specified commodities executing on the computer accessible by selected users having proper levels of permission to access and/or trade [exchange permissions] for each exchange; and

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presenting open offers and bids [indications] transmitted from the computer to a user of the system over the communications link, querying the user database to retrieve levels of permission to access and/or trade [exchange permissions] from a user file corresponding to the user, retrieving open offers and bids [indications] from the indication database corresponding to the predetermined commodities within the exchanges to which the user has been determined to have access, generating a presentation of the retrieved open offers and bids [indications], and transmitting the presentation to the user over the communications link (See paragraphs 75, 118).

Providing a plurality of user files corresponding a plurality of transaction parameters to one or more open offers and bids [indications] associated with said user file, said transaction parameters governing the presentation and acceptance of open offers and bids [indications] associated therewith; and the method further comprising querying user files in said user database corresponding to each of said retrieved open offers and bids [indications] to determine transaction parameters associated with each of said retrieved open offers and bids [indications], and generating said presentation of said retrieved offers and bids [indications] in accordance with said determined transaction parameters (See paragraphs 75 and 118).

further comprising displaying said specified commodities associated with an exchange exclusively by users having levels of permission to access and/or trade [exchange permissions] corresponding to the exchange (See paragraphs 75, 118).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 8-12, 44-45, 48-49 rejected under 35 U.S.C. 103(a) as being unpatentable over May US Patent # 6317727.

As to the limitation, of granting commodity-sharing privileges between at least two exchanges permitting at least one of the exchanges access to at least one commodity associated with the exchanges, it would have been obvious for one skilled in the art at the time to the exchanges to share privileges, such as order books, as motivated by the need to increase liquidity.

As to the method of claim 4 further comprising said transaction parameters enabling a submitter of an open offer or bid [indication] to remain anonymous to specific users of the system that have been predetermined by the submitted, it would have been obvious for one skilled in the art at the time to have allowed for anonymous order books as motivated by the need to increase liquidity.

As to the the method of claim 4 further comprising said transaction parameters permitting a submitter of an open offer or bid [indication] to grant specific users preferred status over other users of the system with respect to actions concerning open offers and bids [indications] submitted by the submitter, it would have been obvious for one skilled in the art at the time to have allowed for preferred status as motivated by the need to reduce ones counter party risk.

Moreover, it would have been obvious to display said information over the internet and motivated by the need to expand the trading network.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C. Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571 272 6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard C Weisberger/  
Primary Examiner, Art Unit 3693

Richard C Weisberger  
Primary Examiner  
Art Unit 3693